SINGLE BENCH

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CF1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. (S) No. 859 / 2007

PETITIONER : Devnish Ekka, S/o Shri Manual Ekka, aged about 47 years Assistant Teacher, Govt. Primary School- Mudapar, Block - Dhamtari, Distt. - Dhamtari (C.G.)

P.R. No. 1046/07 Process Advocate A.S. Rajpal 6/2/07 dated

VERSUS

RESPONDENTS :

1. State of Chhattisgrh, Through – The Secretary Department of Education D.K.S. Bhawan, Raipur (C.G.)
2. Director, Public Instruction Chhattisgarh Govt. Raipur
3. District Education Officer, Distt. – Dhamtari (C.G.)

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC. TO DO JUSTICE IN THE MATTER.

(32)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 859 of 2007

Petitioner : Devnish Ekka

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Anil Singh Rajput, Advocate for the petitioner.

Mr. Satish Gupta, Dy. Govt. Advocate for the State/respondents.

O R D E R

(Passed on this 13th Day of February, 2007)

1. The petitioner was appointed vide order dated 12.7.95 (Annexure P/1) as Assistant Teacher on fixed pay scale of Rs. 1200/-. After completion of two years probation, he was granted regular pay scale.

2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble

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Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Har Prasad Kurre & others Vs. State of Chhattisgarh & others (W.P. (S) No. 5191 of 2006) by order dated 3.10.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Har Prasad Kurre & others Vs. State of Chhattisgarh & others (Supra).

6. In view of that, this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu